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EXAMINER				
STIBLEY, MICHAEL R				
ART UNIT		PAPER NUMBER		
3688				
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11/09/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary

Application No.

10/766,517

Applicant(s)

ROBBINS ET AL

Examiner

MICHAEL R. STIBLEY

Art Unit

3688

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-14, 18-22, 24-29 and 32-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-14, 18-22, 24-29 and 32-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8/14/2009
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Request for Continued Examination

1. Receipt is acknowledged of a request for continued examination, filed on 3/10/2009, under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c) and a submission, filed on 3/10/2009. Additionally, this action is in response to the supplemental amendment filed on 8/11/2009. Prosecution is hereby re-opened, a detailed action follows:

CLAIM STATUS

2. Claims 1-8, 10-14, 18-22, 24-29, 32-56 are currently pending in the instant application and have been examined.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 42 and 43 are rejected under 35 U.S.C. 102(e) as being anticipated by Mark

E. Toth (**TOTH**)(US 2003/0078793 A1).

As per Claim 42: TOTH teaches: A system comprising:

a restaurant point-of-sale (POS) terminal installed at a restaurant comprising

See at least [0031] See also [0013]; [0064]

a POS database having information about menu items and modifiers or condiments associated with the menu items,

See at least [0076]; [0074] See also Figs 2 and 3 elements 215 and 210

a first user interface to enable an operator to store a restaurant order of a customer in an account associated with the customer, the stored restaurant order including specific menu items and modifiers or condiments associated the specific menu items;

See at least Fig 9 element 905; see also Fig 3 element 210; See also [0071]; [0074]; [0094] See also [0101]; [0067]; [0112]

a second user interface to enable the operator to retrieve a stored restaurant order from the account associated with the customer, in which the retrieved restaurant order includes specific menu items and modifiers or condiments associated the specific menu items.

See at least Fig 9 element 905; see also Fig 3 element 210; See also [0071]; [0074]; [0094] See also [0101]; [0067]; [0112]

As per Claim 43: TOTH teaches: The system of claim 42 in which the stored restaurant order retrieved by the second user interface was entered into the account through a second restaurant POS terminal, the first and second POS terminals belonging to different restaurants. See at least [0019] See also Fig 9 element 905; see also Fig 3 element 210; See also [0071]; [0074]; [0094] See also [0101]; [0067]; [0112]

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1, 3, 5, 10, 11, 12, 13, 14, 18, 19, 20, 21, 22, 24, 25, 26, 29, 41, 44-52 are rejected under 35 U.S.C. §103(a) as being unpatentable over Dennis Keith Greer et al (GREER)(United States Patent 5,969,316) in view of Matthew A. D'Arbeloff (D'ARBELOFF)(US 2003/0009382 A1).

As per Claim 1: GREER teaches: A computer implemented method of buying, storing, and redeeming products, comprising:

“...the administrative software running on the personal computer configures the smart cards with security features and assigns a specific meal plan...the administrative software loads the smart cards with meal plan information, tracks deployed terminals and merchant information, supports the collection of meal plan transactions, configures terminal devices, and provides reports and analysis of collected information...” Col 3 lines 3-10 see also abstract

receiving, from a first terminal, information indicating that one or more physical products have been pre-paid;

“...these systems are typically used at schools or universities to allow students to purchase various meal plans to suit their specific eating habits or requirements...” Col 2 lines 25-30 where a meal is a physical product

receiving, from the first terminal, information indicating that a payment specific to the one or more pre-paid physical products has been made;

“...Memory storage area contains information regarding the maximum number of meals of any type that the smart card can allow a user to purchase during a week...” Col 2 lines 45-50: See also Col 3 lines 3-10 where a meal is a physical product

receiving, from the first terminal;

“...the plan code consists of a number between 0 and 63 representing the specific food plan paid by the smart card user...” Col 2 lines 39-41 See also “...memory chip (unique identifier)...” Col 2 lines 33-35

adding, by a computer, the one or more pre-paid physical products to an account associated with the physical card;

See at least abstract; see also Col 3 lines 3-10; where a meal is a physical product
storing the account information in a central database;

See at least Col 2 lines 14-15; See also Col 2 lines 33-50; See also Col 3 lines 1-17
receiving from the first terminal or a second terminal a request to redeem one of the pre-paid
physical products

See at least "...If the meal is vended in block 68, the smart card has its meal time quota,
daily quota and/or weekly quota decremented appropriately in block 70..." Col 4 lines 33-
37; See also abstract where a meal is a physical product
verifying, by the computer that the pre-paid product in the request matches one of the one or
more pre-paid products in the account;

See at least "queried" Col 2 lines 1-7; See also Col 2 lines 50-55; Col 1 lines 60-65; Col 4
lines 22-32 where a meal is a physical product
and sending approval of redemption of the pre-paid physical product to enable a user to redeem
the pre-paid physical product at the first or second terminal without an additional payment or
deduction of a monetary amount stored in the physical card.

Col 4 lines 33-37; see also vended Col 4 lines 22-32 where a meal is a physical product

In general, GREER teaches a system and method for using a smart card for automated
meal plans

Although GREER teaches a system and method for using a smart card for automated
meal plans, **nevertheless, GREER** does not expressly disclose receiving from the first terminal
or a second terminal a unique identifier that is used to identify a physical card or verifying by the

computer that the unique identifier received with the request matches the unique identifier used to identify the physical card

HOWEVER, D'ARBELOFF does teach disclose receiving from the first terminal or a second terminal a unique identifier that is used to identify a physical card or verifying by the computer that the unique identifier received with the request matches the unique identifier used to identify the physical card

(See at least **D'ARBELOFF** “...the identification and authorization stage matches the identification number with the identification number taken from the payment device to confirm the buyer's identity...” [0053] [0054][0055] See also “...a loyalty card given to the buyer usually has the merchants name printed on the card and a unique account number stored on the card...” [0060] [0061][0064]

THEREFORE, it would have been obvious to a person having ordinary skill in the art at the time of the invention to have combined the unique identification number and verification teachings of **D'ARBELOFF** with **GREER** so as to provide a system and method for providing cards with unique identification numbers, a verification process, and the cards storing information regarding what types of products or meals the user is eligible to receive based on prepayment **thereby** allowing for businesses, such as university cafeterias, restaurants or the like to allow its students or patrons to pre-purchase meals, entrees, or other products in advance in order to conveniently provide meal services without the students or patrons having to worry about having the appropriate amount of available cash for every meal event as well as assisting the university or restaurant to keep track of the prepaid meals and their corresponding

redemption based on a card's unique physical identifier as unique card identifiers assist in record keeping.

As per Claim 3: GREER and D'ARBELOFF teach: The method of claim 1 D'ARBELOFF further discloses in which the one or more products comprise a product associated with a specific stock keeping unit (SKU). See at least [0027] It would have been obvious to a person having ordinary skill in the art at the time of the invention to have combined the teachings of D'ARBELOFF with GREER in order to provide specific identification of the meals or products redeemed via stock keeping units as SKUS allow for convenient and immediate identification of products..

As per Claim 5: GREER and D'ARBELOFF teach: The method of claim 1 D'ARBELOFF further discloses: in which at least one of the pre-paid products is associated with a family of SKU items. "...SKU..." [0027][0028] It would have been obvious to a person having ordinary skill in the art at the time of the invention to have combined the teachings of D'ARBELOFF with GREER in order to provide quick and convenient identification of products utilizing SKU numbers.

As per Claim 10: GREER and D'ARBELOFF teach: The method of claim 1, GREER further discloses further comprising sending to the second terminal a message showing the pre-paid products in the account.

Col 3 lines 3-10; Col 3 lines 30-35; Col 4 lines 15-16

As per Claim 11: GREER and D'ARBELOFF teach: The method of claim 1, GREER further discloses: further comprising selecting, by the computer, one or more of the pre-paid products in the account based on rules that specify which pre-paid products are redeemable at the time and the location of the second point- of-sale, and sending to the second point-of-sale terminal a message specifying the selected one or more pre-paid products that are redeemable.

Col 2 lines 45-50; Col 4 lines 30-37; Col 3 lines 30-35

As per Claim 12: GREER and D'ARBELOFF teach: The method of claim 1, D'ARBELOFF further discloses: further comprising adding by the computer, a pre-paid dollar discount of an item to the account. See at least [0002], [0017], [0060] It would have been obvious to a person having ordinary skill in the art at the time of the invention to have combined the teachings of D'ARBELOFF with GREER in order to give incentives to customers to encourage their continued support of the business.

As per Claim 13: GREER and D'ARBELOFF teach: The method of claim 1, D'ARBELOFF further discloses further comprising adding by the computer, a pre-paid dollar discount of a plurality of items to the account. See at least [0002], [0017], [0060] It would have been obvious to a person having ordinary skill in the art at the time of the invention to have combined the teachings of D'ARBELOFF with GREER in order to give incentives to customers to encourage their continued support of the business.

As per Claim 14: GREER and D'ARBELOFF teach: The method of claim 1, D'ARBELOFF further discloses: further comprising adding by the computer, a pre-paid percentage discount of an item or a plurality of items to the account. See at least [0002], [0017], [0060] It would have been obvious to a person having ordinary skill in the art at the time of the invention to have combined the teachings of D'ARBELOFF with GREER in order to give incentives to customers to encourage their continued support of the business.

As per Claim 18: GREER and D'ARBELOFF teach: The method of claim 1, GREER further discloses further comprising receiving messages indicating that the one or more pre-paid products have been added to a check, performing, by the computer, a check-level reconciliation, and automatically removing any products that have been added to the check but had not actually been paid for See at least Col 4 lines 1-37

As per Claim 19: GREER and D'ARBELOFF teach: The method of claim 1 GREER further discloses in which the first terminal comprises a point-of-sale (POS) terminal.

Col 1 lines 49-53; Col 3 lines 20-25

As per Claim 20: GREER and D'ARBELOFF teach: The method of claim 1 GREER further discloses in which the first terminal comprises a remote network terminal.

Col 1 lines 49-53; Col 3 lines 20-25

As per Claim 21: GREER and D'ARBELOFF teach: The method of claim 1 **GREER** further discloses in which the first terminal comprises a kiosk.

Col 1 lines 49-53; Col 3 lines 20-25

As per Claim 22: GREER and D'ARBELOFF teach: The method of claim 1 **D'ARBELOFF** further discloses: in which the unique identifier comprises a unique identifier of a loyalty card. See at least [0053];[0054][0055];[0060][0061][0064] It would have been obvious to a person having ordinary skill in the art at the time of the invention to have combined the teachings of **D'ARBELOFF** with **GREER** in order to provide a unique identification number to the cards used by the students, customers or patrons so as to allow the system to easily track and identify customer transactions associated with the cards whether they are smart cards, payment cards or loyalty cards.

As per Claim 24: GREER and D'ARBELOFF teach: The method of claim 1 **D'ARBELOFF** further discloses: in which the unique identifier comprises a unique identifier of a payment card. See at least [0053];[0054][0055];[0060][0061][0064] It would have been obvious to a person having ordinary skill in the art at the time of the invention to have combined the teachings of **D'ARBELOFF** with **GREER** in order to provide a unique identification number to the cards used by the students, customers or patrons so as to allow the system to easily track and identify customer transactions associated with the cards whether they are smart cards, payment cards or loyalty cards.

As per Claim 25: GREER and D'ARBELOFF teach: The method of claim 1 **D'ARBELOFF** further discloses: in which the unique identifier comprises a unique identifier of a smart card. See at least [0053];[0054][0055];[0060][0061][0064] It would have been obvious to a person having ordinary skill in the art at the time of the invention to have combined the teachings of **D'ARBELOFF** with **GREER** in order to provide a unique identification number to the cards used by the students, customers or patrons so as to allow the system to easily track and identify customer transactions associated with the cards whether they are smart cards, payment cards or loyalty cards.

As per Claim 26: GREER teaches: A system comprising a first point-of-sale (POS) terminal comprising

Col 1 lines 49-53 See also "...the administrative software running on the personal computer configures the smart cards with security features and assigns a specific meal plan...the administrative software loads the smart cards with meal plan information, tracks deployed terminals and merchant information, supports the collection of meal plan transactions, configures terminal devices, and provides reports and analysis of collected information..."

Col 3 lines 3-10

a first POS database having information about physical products that are available for purchase or redemption at the first POS terminal,

Col 3 lines 18-23 See also Col 3 lines 3-10 where a meal is a physical product

a first user interface to enable a seller to enter information indicating that one or more physical products have been pre-paid and send messages to a central server to store information about the one or more physical products in an account associated with a physical card, the message indicating that a payment specific to the one or more pre-paid products has been made by a customer

Col 3 lines 45-55 See also Col 3 lines 1-17 where a meal is a physical product
and a second user interface to receive messages from the central server indicating one or more pre-paid physical products in the account that are redeemable by a customer providing the card and enabling the customer to redeem one of the pre-paid products without an additional payment or deduction of a monetary amount from the physical card.

Col 3 lines 49-55 See also Col 3 lines 1-17; See also "...reader..." Col 3 lines 18-30 where a meal is a physical product See also Col 4 lines 33-37; see also vended Col 4 lines 22-32 where a meal is a physical product

In general, GREER teaches a system and method for using a smart card for automated meal plans

Although GREER teaches a system and method for using a smart card for automated meal plans, **nevertheless, GREER** does not expressly disclose a unique identifier that is used to identify a physical card

HOWEVER, D'ARBELOFF does teach disclose a unique identifier that is used to identify a physical card

(See at least **D'ARBELOFF** "...the identification and authorization stage matches the identification number with the identification number taken from the payment device to confirm

the buyer's identity..." [0053] [0054][0055] See also "...a loyalty card given to the buyer usually has the merchants name printed on the card and a unique account number stored on the card..." [0060] [0061][0064]

THEREFORE, it would have been obvious to a person having ordinary skill in the art at the time of the invention to have combined the unique identification number and verification teachings of **D'ARBELOFF** with **GREER** so as to provide a system and method for providing cards with unique identification numbers, a verification process, and the cards storing information regarding what types of products or meals the user is eligible to receive based on prepayment **thereby** allowing for businesses, such as university cafeterias, restaurants or the like to allow its students or patrons to pre-purchase meals, entrees, or other products in advance in order to conveniently provide meal services without the students or patrons having to worry about having the appropriate amount of available cash for every meal event as well as assisting the university or restaurant to keep track of the prepaid meals and their corresponding redemption based on a card's unique physical identifier as unique card identifiers assist in record keeping.

As per Claim 29: GREER and D'ARBELOFF teach: The system of claim 26 **D'ARBELOFF** further discloses: in which the POS database comprises real-time rules for adding rewards to or removing rewards from the account based on conditions at the time of transaction. [0017]; [0060]; [0063]; [0064] It would have been obvious to a person having ordinary skill in the art at the time of the invention to have combined the teachings of **D'ARBELOFF** with **GREER** in order to provide customers with incentives to make purchases to and to continue dining at the restaurant by offering promotions such as rewards and discounts.

As per Claim 41: GREER teaches: A computer implemented method of processing a customer order at a restaurant, the method comprising:

“...the administrative software running on the personal computer configures the smart cards with security features and assigns a specific meal plan...the administrative software loads the smart cards with meal plan information, tracks deployed terminals and merchant information, supports the collection of meal plan transactions, configures terminal devices, and provides reports and analysis of collected information...” Col 3 lines 3-10
See also Col 1 lines 5-8;

receiving, from a first restaurant point-of-sale terminal, information about a customer's order, and information indicating that a payment specific to the customer's order has been made;

“...Memory storage area contains information regarding the maximum number of meals of any type that the smart card can allow a user to purchase during a week...” Col 2 lines 45-50; See also Col 3 lines 1-17 where a meal is the customer's order and where the customer's meals are prepaid as per the plan code which is indicated by the smart card See also Col 1 lines 5-8;

storing, by a computer, in an account associated with the card information about the customer's order;

See at least Col 2 lines 14-15; See also Col 2 lines 33-50; See also Col 3 lines 1-17

receiving, from a second restaurant point-of-sale terminal, and a request to retrieve the stored order; and

See at least "...If the meal is vended in block 68, the smart card has its meal time quota, daily quota and/or weekly quota decremented appropriately in block 70..." Col 4 lines 33-37; See also abstract where a meal is a physical product See also Col 3 lines 20-25; see also abstract

providing the stored order to the second restaurant point-of-sale terminal without an additional payment of deduction of a monetary amount from the physical card.

See at least abstract; Col 4 lines 33-37; see also vended Col 4 lines 22-32 where a meal is a stored order

In general, GREER teaches a system and method for using a smart card for automated meal plans

Although GREER teaches a system and method for using a smart card for automated meal plans, **nevertheless, GREER** does not expressly disclose an identifier associated with a physical card

HOWEVER, D'ARBELOFF does teach disclose an identifier associated with a physical card

(See at least **D'ARBELOFF** "...the identification and authorization stage matches the identification number with the identification number taken from the payment device to confirm the buyer's identity..." [0053] [0054][0055] See also "...a loyalty card given to the buyer usually has the merchants name printed on the card and a unique account number stored on the card..." [0060] [0061][0064]

THEREFORE, it would have been obvious to a person having ordinary skill in the art at the time of the invention to have combined the an identifier associated with a physical card of

D'ARBELOFF with **GREER** so as to provide a system and method for providing cards with unique identification numbers, a verification process, and the cards storing information regarding what types of products or meals the user is eligible to receive based on prepayment **thereby** allowing for businesses, such as university cafeterias, restaurants or the like to allow its students or patrons to pre-purchase meals, entrees, or other products in advance in order to conveniently provide meal services without the students or patrons having to worry about having the appropriate amount of available cash for every meal event as well as assisting the university or restaurant to keep track of the prepaid meals and their corresponding redemption based on a card's unique physical identifier as unique card identifiers assist in record keeping.

As per Claim 44: GREER teaches: A computer implemented method of operating a stored product card, comprising:

"...the administrative software running on the personal computer configures the smart cards with security features and assigns a specific meal plan...the administrative software loads the smart cards with meal plan information, tracks deployed terminals and merchant information, supports the collection of meal plan transactions, configures terminal devices, and provides reports and analysis of collected information..." Col 3 lines 3-10

See also Col 1 lines 5-8;

receiving, information indicating that one or more physical products have been pre-paid, and information indicating that a payment specific to the one or more pre-paid physical products has been made;

“...these systems are typically used at schools or universities to allow students to purchase various meal plans to suit their specific eating habits or requirements...” Col 2 lines 25-30 where a meal is a physical product see also abstract

receiving a request to add the one or more pre-paid physical products to an account associated with the physical card;

see at least Col 3 lines 3-10; See also Col 1 lines 5-8; see also abstract

receiving a request to redeem a second physical product;

see Fig 2 element 24; Col 3 lines 15-30 see also See at least “...If the meal is vended in block 68, the smart card has its meal time quota, daily quota and/or weekly quota decremented appropriately in block 70...” Col 4 lines 33-37; See also abstract where a meal is a physical product

verifying, by a computer, that the second physical product matches one of the one or more pre-paid physical products in the account;

see Fig 2 element 24; Col 3 lines 15-30 see also See at least “queried” Col 2 lines 1-7; See also Col 2 lines 50-55; Col 1 lines 60-65; Col 4 lines 22-32 where a meal is a physical product

and sending approval of redemption of the second physical product to enable a user to redeem the second physical product without an additional payment or deduction of a monetary amount from the physical card.

Col 4 lines 33-37; see also vended Col 4 lines 22-32 where a meal is a physical product See also Fig 2 element 24

In general, GREER teaches a system and method for using a smart card for automated meal plans

Although GREER teaches a system and method for using a smart card for automated meal plans, nevertheless, GREER does not expressly disclose a unique identifier that is used to identify a physical card

HOWEVER, D'ARBELOFF does teach disclose a unique identifier that is used to identify a physical card

(See at least D'ARBELOFF "...the identification and authorization stage matches the identification number with the identification number taken from the payment device to confirm the buyer's identity..." [0053] [0054][0055] See also "...a loyalty card given to the buyer usually has the merchants name printed on the card and a unique account number stored on the card..." [0060] [0061][0064]

THEREFORE, it would have been obvious to a person having ordinary skill in the art at the time of the invention to have combined the unique identification number and verification teachings of D'ARBELOFF with GREER so as to provide a system and method for providing cards with unique identification numbers, a verification process, and the cards storing information regarding what types of products or meals the user is eligible to receive based on prepayment thereby allowing for businesses, such as university cafeterias, restaurants or the like to allow its students or patrons to pre-purchase meals, entrees, or other products in advance in order to conveniently provide meal services without the students or patrons having to worry about having the appropriate amount of available cash for every meal event as well as assisting the university or restaurant to keep track of the prepaid meals and their corresponding

redemption based on a card's unique physical identifier as unique card identifiers assist in record keeping.

As per Claim 45: GREER and D'ARBELOFF teach: The method of claim 44 **GREER** further discloses: in which the request to add the one or more pre-paid products to the account is sent from a point-of-sale terminal. See at least Col 3 lines 3-10 see also abstract

As per Claim 46: GREER and D'ARBELOFF teaches: The method of claim 1, **GREER** further discloses: further comprising transferring money from a first legal entity that owns the first terminal to a second legal entity that owns the second terminal based on a preset value for each type of pre-paid item when the second unique identifier and the request to redeem the second product are received by the second terminal, wherein the first and second legal entities are two different legal entities of a franchised organization. See at least Col 3 lines 3-10 see also abstract

As per Claim 47: GREER and D'ARBELOFF teaches: The method of claim 1, **GREER** further discloses: further comprising transferring money from a first legal entity that owns the first terminal to a second legal entity that owns the second terminal based on an actual value or a percentage of the actual value of the redeemed product when the second unique identifier and the request to redeem the second product are received by the second terminal, wherein the first and second legal entities are two different legal entities of a franchised organization. See at least Col 3 lines 3-10 see also abstract

As per Claim 48: GREER and D'ARBELOFF teaches: The method of claim 1, **GREER** further discloses: further comprising receiving messages indicating that the one or more pre-paid products have been added to a check, and performing a check-level reconciliation to confirm that the pre-paid products added to the check have actually been paid. See at least Col 3 lines 3-10 see also abstract

As per Claim 49: GREER and D'ARBELOFF teaches: The method of claim 1 **GREER** further discloses: in which the first terminal comprises a first point-of-sale terminal having access to a first point-of-sale database having information about products that are available for purchase or redemption at the first point-of-sale terminal, the second terminal comprises a second point-of-sale terminal having access to a second point-of-sale database having information about products that are available for purchase or redemption at the second point-of-sale terminal, the first point-of-sale terminal does not have access to the second point-of-sale database, and the second point-of-sale terminal does not have access to the first point-of-sale database. See at least Col 3 lines 3-10 see also abstract

As per Claim 50: GREER and D'ARBELOFF teaches: The method of claim 1 **GREER** further discloses: in which the first terminal comprises a first point-of-sale terminal having

access to a first point-of-sale database having information about products that are available for purchase or redemption at the first point-of-sale terminal, the second terminal comprises a second point-of-sale terminal having access to a second point-of-sale database having information about products that are available for purchase or redemption at the second point-of-sale terminal, and at least some of the products that are available for redemption at the second point-of-sale terminal are different from the products that are available for purchase at the first point-of-sale terminal. See at least Col 3 lines 3-10 see also abstract

As per Claim 51: GREER and D'ARBELOFF teaches: The system of claim 26 **GREER** further discloses: in which the first POS terminal enables the customer to redeem a pre-paid product that was added to the account from a second POS terminal comprising a second POS database having information about products that are available for purchase or redemption at the second POS terminal.

See at least Col 3 lines 3-10 see also abstract

As per Claim 52: GREER and D'ARBELOFF teaches: The system of claim 51 **GREER** further discloses: in which some products listed in the second POS database are not listed in the first POS database.

See at least Col 3 lines 3-10 see also abstract

7. **Claims 2, 4, 6, 7, 8, 27, 28, 32, 33, 34, 35, 36, 53, 54, 55 and 56 are rejected under 35 U.S.C. §103(a) as being unpatentable over Dennis Keith Greer et al (GREER)(United States Patent 5,969,316) in view of Matthew A. D'Arbeloff (D'ARBELOFF)(US 2003/0009382 A1), further in view of Mark E. Toth (TOTH)(US 2003/0078793 A1)**

As per Claim 2: GREER and D'ARBELOFF teach: The method of claim 1 in which the one or more products comprise a specific item of a restaurant menu. Neither GREER and D'ARBELOFF teach in which one or more products comprise a specific item of a restaurant menu, however TOTH discloses one or more products comprise a specific item of a restaurant menu. See at least [0074]; Fig 2 elem 215,210 [0022] It would have been obvious to a person having ordinary skill in the art at the time of the invention to have combined the teachings of TOTH with GREER in order to provide menu selections to its customers so as to expedite processing of orders and to allow for patrons to obtain their meals more efficiently.

As per Claim 4: GREER and D'ARBELOFF teach: The method of claim 1 in which at least one of the pre-paid products comprises a family of items of a restaurant menu. Neither GREER and D'ARBELOFF teach in which one or more products comprises a family of items of a restaurant menu, however TOTH discloses one or more products comprises a family of items of a restaurant menu. See at least [0074]; Fig 2 elem 215,210 [0022] It would have been obvious to a person having ordinary skill in the art at the time of the invention to have combined the teachings of TOTH with GREER in order to provide menu selections to its customers so as to expedite processing of orders and to allow for patrons to obtain their meals more efficiently.

As per Claim 6: GREER and D'ARBELOFF teaches: The method of claim 1 in which at least one of the pre-paid products comprises a category of products. Neither GREER nor

D'ARBELOFF teach category of products, however TOTH discloses category of products. See at least [0074]; Fig 2 elem 215,210 [0022] It would have been obvious to a person having ordinary skill in the art at the time of the invention to have combined the teachings of TOTH with GREER in order to provide menu selections to its customers so as to expedite processing of orders and to allow for patrons to obtain their meals more efficiently.

As per Claim 7: GREER, D'ARBELOFF and TOTH teach: The method of claim 6 in which the category of products comprise a plurality of families of products. TOTH further discloses plurality of families of products. See at least [0074]; Fig 2 elem 215,210 [0022] It would have been obvious to a person having ordinary skill in the art at the time of the invention to have combined the teachings of TOTH with GREER in order to provide menu selections to its customers so as to expedite processing of orders and to allow for patrons to obtain their meals more efficiently.

As per Claim 8: GREER, D'ARBELOFF and TOTH teach: The method of claim 6 D'ARBELOFF further discloses in which the category of products comprise a plurality of SKU items. "...SKU..." [0027][0028] It would have been obvious to a person having ordinary skill in the art at the time of the invention to have combined the teachings of D'ARBELOFF with GREER in order to provide quick and convenient identification of products utilizing SKU numbers.

As per Claim 27: GREER and D'ARBELOFF teaches: The system of claim 26 Neither GREER nor D'ARBELOFF teach in which the POS terminal comprises rules for selecting one

of a plurality of products in the POS database that corresponds to a pre-paid product in the account when the pre-paid product represents a product category that corresponds to more than one product in the POS database. However **TOTH** further discloses: in which the POS terminal comprises rules for selecting one of a plurality of products in the POS database that corresponds to a pre-paid product in the account when the pre-paid product represents a product category that corresponds to more than one product in the POS database. See at least [0074]; Fig 2 elem 215,210 [0022] It would have been obvious to a person having ordinary skill in the art at the time of the invention to have combined the teachings of **TOTH** with **GREER** in order to provide menu selections to its customers so as to expedite processing of orders and to allow for patrons to obtain their meals more efficiently

As per Claim 28: GREER, D'ARBELOFF and TOTH teach: The system of claim 27 **TOTH** further discloses: in which the pre-paid product comprises an entree that corresponds to a plurality of items in a restaurant menu in the POS database. See at least [0074]; Fig 2 elem 215,210 [0022] It would have been obvious to a person having ordinary skill in the art at the time of the invention to have combined the teachings of **TOTH** with **GREER** in order to provide menu selections to its customers so as to expedite processing of orders and to allow for patrons to obtain their meals more efficiently

As per Claim 32: GREER teaches: A computer implemented method of buying, storing, and redeeming physical products, comprising:

“...the administrative software running on the personal computer configures the smart cards with security features and assigns a specific meal plan...the administrative software loads the

smart cards with meal plan information, tracks deployed terminals and merchant information, supports the collection of meal plan transactions, configures terminal devices, and provides reports and analysis of collected information..." Col 3 lines 3-10

receiving information indicating that a first physical product has been pre-paid, the first physical product representing a family of specific physical products;

"...these systems are typically used at schools or universities to allow students to purchase various meal plans to suit their specific eating habits or requirements..." Col 2 lines 25-30 where a meal is a physical product representing a family of specific physical products

adding, by a computer, the first physical product to an account;

See at least abstract; see also Col 3 lines 3-10; where a meal is a physical product

receiving a request to redeem a physical product;

See at least "...If the meal is vended in block 68, the smart card has its meal time quota, daily quota and/or weekly quota decremented appropriately in block 70..." Col 4 lines 33-37; See also abstract where a meal is a physical product

processing, by the computer, the request to redeem the physical product using a set of rules;

See at least "...If the meal is vended in block 68, the smart card has its meal time quota, daily quota and/or weekly quota decremented appropriately in block 70..." Col 4 lines 33-37; See also abstract where a meal is a physical product

and sending approval of redemption of the physical product.

Col 4 lines 33-37; see also vended Col 4 lines 22-32 where a meal is a physical product

In general, GREER teaches a system and method for using a smart card for automated meal plans

Although GREER teaches a system and method for using a smart card for automated meal plans, nevertheless, GREER does not expressly disclose receiving a unique identifier that is used to identify a physical card/account or verifying by the computer that the unique identifier received with the request matches the unique identifier used to identify the physical card/account

HOWEVER, D'ARBELOFF does teach disclose receiving from the first terminal or a second terminal a unique identifier that is used to identify a physical card/account or verifying by the computer that the unique identifier received with the request matches the unique identifier used to identify the physical card/account

(See at least D'ARBELOFF "...the identification and authorization stage matches the identification number with the identification number taken from the payment device to confirm the buyer's identity..." [0053] [0054][0055] See also "...a loyalty card given to the buyer usually has the merchants name printed on the card and a unique account number stored on the card..." [0060] [0061][0064]

THEREFORE, it would have been obvious to a person having ordinary skill in the art at the time of the invention to have combined the unique identification number and verification teachings of D'ARBELOFF with GREER so as to provide a system and method for providing cards with unique identification numbers, a verification process, and the cards storing information regarding what types of products or meals the user is eligible to receive based on prepayment **thereby** allowing for businesses, such as university cafeterias, restaurants or the like to allow its students or patrons to pre-purchase meals, entrees, or other products in advance in order to conveniently provide meal services without the students or patrons having to worry about having the appropriate amount of available cash for every meal event as well as assisting

the university or restaurant to keep track of the prepaid meals and their corresponding redemption.

In general, GREER teaches a system and method for using a smart card for automated meal plans where meals are vended and represent a physical product with associated family of physical products

Although GREER teaches a system and method for using a smart card for automated meal plans where meals are vended and represent a physical product with associated family of physical products **nevertheless**, GREER does not expressly disclose a second physical product that is among the family of specific physical products represented by the first physical product or verify that the second physical product is within the family of specific physical products represented by the first physical product

HOWEVER, TOTH does teach a second physical product that is verified to be among the family of specific physical products represented by the first physical product

(See at least TOTH "...by pressing the "entrees" section button, a list of entrees appears in the information region of the screen. Once a customer selects one of the entrees, the information region is also used to display photographs, nutritional information, descriptive text and the like..." [0074] See also Figure 2 elements 215, 210 See also "...computerized dining system which guides the user through the ordering process in a logical manner which leaves the diner with a feeling that the order has been properly entered and received by the restaurant staff..." [0022])

THEREFORE, it would have been obvious to a person having ordinary skill in the art at the time of the invention to have combined the selecting an entrée from a list of entrees teachings of

TOTH with **GREER** so as to provide a system and method where items of a category are prepaid for in a restaurant or cafeteria setting **in order to** allow convenience to students or patrons from having to provide the correct amount of change for specific food items ordered as part of a meal served at a restaurant or cafeteria and to further allow customers or students to select the components of their meal from a variety of options that may be classified as part of a larger classification such as different entrees, appetizers, or desserts.

As per Claim 33: **GREER, D'ARBELOFF and TOTH** teach: The method of claim 32 **TOTH** further discloses: in which the first product comprises a food category that comprises a family of specific food products. See at least [0074], fig 2 elem 215, 210 [0022] It would have been obvious to a person having ordinary skill in the art at the time of the invention to have combined the teachings of **TOTH** with **GREER** in order to provide menu selections to its customers so as to expedite processing of orders and to allow for patrons to obtain their meals more efficiently.

As per Claim 34: **GREER, D'ARBELOFF and TOTH** teach: The method of claim 32 **TOTH** further discloses: in which the first product comprises a category of restaurant menu items that comprise a plurality of specific restaurant menu items. See at least [0074], fig 2 elem 215, 210 [0022] It would have been obvious to a person having ordinary skill in the art at the time of the invention to have combined the teachings of **TOTH** with **GREER** in order to provide menu selections to its customers so as to expedite processing of orders and to allow for patrons to obtain their meals more efficiently.

As per Claim 35: GREER, D'ARBELOFF and TOTH teach: The method of claim 34 TOTH further discloses: in which the request to redeem the second product originates from a point-of-sale terminal at a restaurant. See at least [0074], fig 2 elem 215, 210 [0022] It would have been obvious to a person having ordinary skill in the art at the time of the invention to have combined the teachings of TOTH with GREER in order to provide menu selections to its customers so as to expedite processing of orders and to allow for patrons to obtain their meals more efficiently.

As per Claim 36: GREER, D'ARBELOFF and TOTH teach: The method of claim 32 TOTH further discloses: in which the set of rules is specific to at least one of a user who requests to redeem a product, a store where the request to redeem a product originates, a merchant associated a product to be redeemed, or a time when a request to redeem a product is made. See at least [0074], fig 2 elem 215, 210 [0022] It would have been obvious to a person having ordinary skill in the art at the time of the invention to have combined the teachings of TOTH with GREER in order to provide menu selections to its customers so as to expedite processing of orders and to allow for patrons to obtain their meals more efficiently.

As per Claims 53 and 55: GREER teaches: A computer implemented method of buying, storing, and redeeming products, comprising:

“...the administrative software running on the personal computer configures the smart cards with security features and assigns a specific meal plan...the administrative software loads the smart cards with meal plan information, tracks deployed terminals and merchant information, supports the collection of meal plan transactions, configures terminal devices,

and provides reports and analysis of collected information..." Col 3 lines 3-10 See also abstract

receiving, from a first terminal information indicating that one or more products have been pre-paid,

"...these systems are typically used at schools or universities to allow students to purchase various meal plans to suit their specific eating habits or requirements..." Col 2 lines 25-30 where a meal is a physical product

storing, by a computer, information about the one or more pre-paid products in a central database;

See at least Col 2 lines 14-15; See also Col 2 lines 33-50; See also Col 3 lines 1-17

receiving from a second terminal a request to redeem a specific product;

"...these systems are typically used at schools or universities to allow students to purchase various meal plans to suit their specific eating habits or requirements..." Col 2 lines 25-30 where a meal is a physical product See at least "...If the meal is vended in block 68, the smart card has its meal time quota, daily quota and/or weekly quota decremented appropriately in block 70..." Col 4 lines 33-37; See also abstract where a meal is a physical product

verifying, by the computer, that the specific product matches one of sub-members of the pre-paid products;

See at least "queried" Col 2 lines 1-7; See also Col 2 lines 50-55; Col 1 lines 60-65; Col 4 lines 22-32 where a meal is a physical product

and sending approval of redemption of the specific product to enable a customer to redeem the specific product at the second terminal, in which the specific product being redeemed is more specific than the pre-paid product.

Col 4 lines 33-37; see also vended Col 4 lines 22-32 where a meal is a physical product

In general, GREER teaches a system and method for using a smart card for automated meal plans

Although GREER teaches a system and method for using a smart card for automated meal plans, **nevertheless, GREER** does not expressly disclose a plurality of stock keeping unit (SKU) items, a family of SKU items

HOWEVER, D'ARBELOFF does teach disclose a plurality of stock keeping unit (SKU) items, a family of SKU items (See at least D'ARBELOFF "...SKU..." [0027][0028]

THEREFORE, it would have been obvious to a person having ordinary skill in the art at the time of the invention to have combined the teachings of D'ARBELOFF with GREER so as to provide a system and method for providing cards with unique identification numbers, a verification process, and the cards storing information regarding what types of products or meals the user is eligible to receive based on prepayment in which SKU numbers are utilized for identification purposes **thereby** allowing for businesses, such as university cafeterias, restaurants or the like to allow its students or patrons to pre-purchase meals, entrees, or other products in advance in order to conveniently provide meal services without the students or patrons having to worry about having the appropriate amount of available cash for every meal event as well as assisting the university or restaurant to keep track of the prepaid meals and their corresponding

redemption while utilizing trackable numbers such as SKU's as SKUs allow for convenient identification of products.

In general, GREER teaches a system and method for using a smart card for automated meal plans where meals are vended and represent a physical product with associated family of physical products

Although GREER teaches a system and method for using a smart card for automated meal plans where meals are vended and represent a physical product with associated family of physical products **nevertheless**, GREER does not expressly disclose the one or more products comprising a product corresponding to at least one of a family of items of a restaurant menu, a category of products, or a plurality of families of products **HOWEVER**, TOTH does teach a the one or more products comprising a product corresponding to at least one of a family of items of a restaurant menu, , a category of products, or a plurality of families of products (See at least TOTH "...by pressing the "entrees" section button, a list of entrees appears in the information region of the screen. Once a customer selects one of the entrees, the information region is also used to display photographs, nutritional information, descriptive text and the like..." [0074] See also Figure 2 elements 215, 210 See also "...computerized dining system which guides the user through the ordering process in a logical manner which leaves the diner with a feeling that the order has been properly entered and received by the restaurant staff..." [0022].

THEREFORE, it would have been obvious to a person having ordinary skill in the art at the time of the invention to have combined the selecting an entrée from a list of entrees teachings of TOTH with GREER so as to provide a system and method where items of a category are prepaid for in a restaurant or cafeteria setting **in order to** allow convenience to students or

patrons from having to provide the correct amount of change for specific food items ordered as part of a meal served at a restaurant or cafeteria and to further allow customers or students to select the components of their meal from a variety of options that may be classified as part of a larger classification such as different entrees, appetizers, or desserts.

As per Claims 54 and 56: GREER teaches: A method of buying, storing, and redeeming products, comprising:

“...the administrative software running on the personal computer configures the smart cards with security features and assigns a specific meal plan...the administrative software loads the smart cards with meal plan information, tracks deployed terminals and merchant information, supports the collection of meal plan transactions, configures terminal devices, and provides reports and analysis of collected information...” Col 3 lines 3-10 see also abstract

receiving from a plurality of point-of-sale (POS) terminals information regarding pre-paid products that were paid by customers,

“...these systems are typically used at schools or universities to allow students to purchase various meal plans to suit their specific eating habits or requirements...” Col 2 lines 25-30 where a meal is a physical product

storing, by a computer, information about the pre-paid products in accounts to enable later redemption of the pre-paid products,

See at least Col 2 lines 14-15; See also Col 2 lines 33-50; See also Col 3 lines 1-17

In general, GREER teaches a system and method for using a smart card for automated meal plans

Although GREER teaches a system and method for using a smart card for automated meal plans, **nevertheless, GREER** does not expressly disclose associated with identifiers designated by the customers , a plurality of SKU items, a family of SKU items, one of the plurality of SKU items, one of the family of SKU items

HOWEVER, D'ARBELOFF does teach disclose associated with identifiers designated by the customers , a plurality of SKU items, a family of SKU items, one of the plurality of SKU items, one of the family of SKU items

(See at least **D'ARBELOFF** "...SKU..." [0027][0028] see also "...PIN..." [0019][0064][0054]

THEREFORE, it would have been obvious to a person having ordinary skill in the art at the time of the invention to have combined the teachings of **D'ARBELOFF** with **GREER** so as to provide a system and method for providing cards with unique identification numbers, a verification process, and the cards storing information regarding what types of products or meals the user is eligible to receive based on prepayment in which SKU numbers are utilized for identification purposes as well as PIN for security **thereby** allowing for businesses, such as university cafeterias, restaurants or the like to allow its students or patrons to pre-purchase meals, entrees, or other products in advance in order to conveniently provide meal services without the students or patrons having to worry about having the appropriate amount of available cash for every meal event as well as assisting the university or restaurant to keep track of the prepaid

meals and their corresponding redemption while utilizing trackable numbers such as SKU's as SKU tracking allows for convenient identification of products.

In general, GREER teaches a system and method for using a smart card for automated meal plans where meals are vended and represent a physical product with associated family of physical products

Although GREER teaches a system and method for using a smart card for automated meal plans where meals are vended and represent a physical product with associated family of physical products **nevertheless**, GREER does not expressly disclose the each POS terminal having access to a corresponding POS database having information about products that are available for purchase or redemption at the POS terminal, some of the products each corresponding to at least one of a family of items of a restaurant menu, a category of products, or a plurality of families of products;

and enabling redemption of one of the family of items of the restaurant menu, , one of the category of products, or one of the plurality of families of products **HOWEVER**, TOTH does teach a the one or more products comprising a product corresponding to at least one of a family of items of a restaurant menu, , a category of products, or a plurality of families of products (See at least TOTH "...by pressing the "entrees" section button, a list of entrees appears in the information region of the screen. Once a customer selects one of the entrees, the information region is also used to display photographs, nutritional information, descriptive text and the like..." [0074] See also Figure 2 elements 215, 210 See also "...computerized dining system which guides the user through the ordering process in a logical manner which leaves the diner

with a feeling that the order has been properly entered and received by the restaurant staff..."

[0022] see also [0031]; [0115]

THEREFORE, it would have been obvious to a person having ordinary skill in the art at the time of the invention to have combined the teachings of **TOTH** with **GREER in order to** allow convenience to students or patrons from having to provide the correct amount of change for specific food items ordered as part of a meal served at a restaurant or cafeteria and to further allow customers or students to select the components of their meal from a variety of options that may be classified as part of a larger classification such as different entrees, appetizers, or desserts and to pay or redeem such items utilizing a computer.

8. Claims 37-40, are rejected under 35 U.S.C. §103(a) as being unpatentable over Dennis Keith Greer et al (**GREER**)(United States Patent 5,969,316) in view of Mark E. Toth (**TOTH**)(US 2003/0078793 A1).

As per Claim 37: **GREER** teaches: A system comprising: a point-of-sale (POS) terminal comprising a user interface to enable a customer to redeem physical products in an account of the customer,

Col 1 lines 49-53. See also "...the administrative software running on the personal computer configures the smart cards with security features and assigns a specific meal plan...the administrative software loads the smart cards with meal plan information, tracks deployed terminals and merchant information, supports the collection of meal plan transactions,

configures terminal devices, and provides reports and analysis of collected information..."

Col 3 lines 3-10; See also Col 3 lines 18-23

a POS database having information about a plurality of physical products that are available for redemption at the POS terminal, and rules about selecting a physical product from the plurality of physical products in response to a request to redeem a first physical product in the account that corresponds to a plurality of specific physical products in the POS database,

See at least Col 1 lines 49-60; See also Col 3 lines 3-10 See also Col 3 lines 18-23; See also Col 4 lines 13-37 where the rules are the checks to see if weekly quotas or daily quotas are exhausted and where plurality of physical products are the quota of meals for the day, week etc.

and a processor to select a specific physical product from among the plurality of specific physical products in the POS database for redemption according to the rules,

See at least Col 1 lines 49-60; See also Col 3 lines 3-10 See also Col 3 lines 18-23; See also Col 4 lines 13-37 where the rules are the checks to see if weekly quotas or daily quotas are exhausted and where plurality of physical products are the quota of meals for the day, week etc. See also Col 3 line 65- Col 4 line 8; See also Col 1 lines 10-12

In general, GREER teaches a system and method for using a smart card for automated meal plans where meals are vended and represent a physical product with associated family of physical products

Although GREER teaches a system and method for using a smart card for automated meal plans where meals are vended and represent a physical product with associated family of physical products **nevertheless, GREER** does not expressly disclose the specific physical

product selected by the processor is more specific than the first physical product in the request for redemption

HOWEVER, TOTH does teach the specific physical product selected by the processor is more specific than the first physical product in the request for redemption

(See at least **TOTH** "...by pressing the "entrees" section button, a list of entrees appears in the information region of the screen. Once a customer selects one of the entrees, the information region is also used to display photographs, nutritional information, descriptive text and the like..." [0074] See also Figure 2 elements 215, 210 See also "...computerized dining system which guides the user through the ordering process in a logical manner which leaves the diner with a feeling that the order has been properly entered and received by the restaurant staff..." [0022])

THEREFORE, it would have been obvious to a person having ordinary skill in the art at the time of the invention to have combined the selecting an entrée from a list of entrees teachings of **TOTH** with **GREER** so as to provide a system and method where items of a category are prepaid for in a restaurant or cafeteria setting **in order to** allow convenience to students or patrons from having to provide the correct amount of change for specific food items ordered as part of a meal served at a restaurant or cafeteria and to further allow customers or students to select the components of their meal from a variety of options that may be classified as part of a larger classification such as different entrees, appetizers, or desserts.

As per Claim 38: GREER and TOTH teach: The system of claim 37 **TOTH** further discloses: in which the first product comprises a food category that corresponds to a family of specific food

products. See at least [0074], fig 2 elem 215, 210 [0022] It would have been obvious to a person having ordinary skill in the art at the time of the invention to have combined the teachings of TOTH with GREER in order to provide menu selections to its customers so as to expedite processing of orders and to allow for patrons to obtain their meals more efficiently

As per Claim 39: GREER and TOTH teach: The system of claim 37 TOTH further discloses: in which the first product comprises a category of restaurant menu items that correspond to a plurality of specific restaurant menu items. See at least [0074], fig 2 elem 215, 210 [0022] It would have been obvious to a person having ordinary skill in the art at the time of the invention to have combined the teachings of TOTH with GREER in order to provide menu selections to its customers so as to expedite processing of orders and to allow for patrons to obtain their meals more efficiently

As per Claim 40: GREER and TOTH teach: The system of claim 37 GREER further discloses: in which the rules are specific to at least one of a user who requests to redeem a product, a store where the request to redeem a product originates, a merchant associated a product to be redeemed, or a time when a request to redeem a product is made. See at least Col 4 lines 13-21

Response to Amendments

9. Applicant's remarks of 3/10/2009 and 8/11/2009 are moot in view of new grounds of rejection.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL R. STIBLEY whose telephone number is (571) 270-3612. The examiner can normally be reached on Monday-Friday 9 a.m.-5 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ROBERT WEINHARDT can be reached on 571-272-6633. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. S./
Examiner, Art Unit 3688

/ROBERT WEINHARDT/
Supervisory Patent Examiner, Art
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